

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CWB SERVICES, LLC, *et al.*,

Defendants.

Case No. 4:14-cv-00783-W-DW

JOINT MOTION TO STAY THE CASE

Plaintiff, the Federal Trade Commission (“FTC”), and Defendants Frampton T. Rowland, III; Vandelier Group LLC; Anasazi Group LLC; Anasazi Services LLC; Longboat Group LLC, also d/b/a Cutter Group; Oread Group LLC, also d/b/a Mass Street Group, and St. Armands Group LLC (collectively, the “Rowland Defendants”) jointly move the Court to stay all proceedings in this matter, including all deadlines in the Scheduling and Trial Order (ECF 123). In response to the Court’s denial (ECF 189) of the motion to enter the Stipulated Permanent Injunction as to the Rowland Defendants, counsel for the FTC and the Rowland Defendants have reached an agreement, subject to Commission approval. Consistent with the Court’s reasons for denying entry of the prior Stipulated Permanent Injunction, the agreement contains compliance provisions that will sunset in 15 years.

Although Plaintiff’s counsel will recommend that the Commission authorize the new agreement, the FTC needs additional time for the Commissioners to review the revised settlement. As Plaintiff’s counsel explained in Footnote 1 of the Explanations in Response to the Court’s Questions Regarding the Stipulated Orders (ECF 187), the FTC

can agree to settlement terms only through a majority vote of its Commissioners. 16
C.F.R. § 4.14(c).

As the Supreme Court has repeatedly affirmed, a District Court has broad discretion to stay proceedings as an incident to its power to control its own docket and to dispose of actions “with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *accord Clinton v. Jones*, 520 U.S. 681, 706 (1997).

There are significant deadlines approaching in this matter. Specifically, the Court’s Scheduling Order (ECF 123) imposes a deadline of September 4, 2015 for *Daubert* motions and dispositive motions. Entering the proposed stay would give the parties an opportunity to finalize settlement without waiving any litigation rights. Therefore, good cause warrants entering the stay to allow FTC counsel to seek approval for the revised settlement, thereby avoiding unnecessary litigation.

For these reasons, the FTC and the Rowland Defendants request an indefinite stay of all proceedings.

Dated: August 31, 2015

Respectfully submitted,

/s/ Matthew J. Wilshire
Matthew J. Wilshire, DC Bar #483702
Lisa A. Rothfarb, MD Bar
Federal Trade Commission
600 Pennsylvania Ave., N.W., Mail Stop
CC-10232
Washington, D.C. 20580
202-326-2976 (Wilshire)
mwilshire@ftc.gov

/s/ Charles M. Thomas

Charles M. Thomas, MO Bar #28522
Assistant United States Attorney
Charles Evans Whittaker Courthouse
400 East Ninth Street, Room 5510
Kansas City, MO 64106
Telephone: (816) 426-3130
Facsimile: (816) 426-3165
E-mail: charles.thomas@usdoj.gov

*Attorneys for Plaintiff Federal Trade
Commission*

/s/ Phillip G. Greenfield

Phillip G. Greenfield, MO #37457
Paul M. Flucke, MO #64849
Rouse, Hendricks, German, May, PC
1201 Walnut Street, 20th Floor
Kansas City, MO 64106
Telephone: (816) 471-7700
Fax: (816) 471-2221
Email: philg@rhgm.com, paulf@rhgm.com

*Attorneys for Defendants Frampton T.
Rowland, III; Anasazi Services LLC;
Anasazi Group LLC; Vandelier Group LLC;
St. Armands Group LLC; Oread Group LLC
d/b/a Mass Street Group; Longboat Group
LLC d/b/a Cutter Group*